

**EXHIBIT 1 TO FLYNN DECLARATION IN
SUPPORT OF MOTION TO CERTIFY
JUDGMENT**

1
2 UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
3 BEFORE THE HONORABLE VALERIE P. COOKE, MAGISTRATE JUDGE
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4 DENNIS MONTGOMERY, ET AL., : No. 3:06-cv-056-PMP-VPC
5 Plaintiffs, :
6 -vs- : JUNE 10, 2008
7 ETREPPID TECHNOLOGIES, ET : United States District Court
AL., : 400 S. Virginia Street
8 Defendants. : Reno, Nevada 89501
9 :
10 :
11 :

12 **TRANSCRIPT OF MOTION HEARING**
13 **(Re: Defendants' Motion for Order to Show Cause #634)**

14 A P P E A R A N C E S:

15 FOR THE PLAINTIFF: Deborah Klar
16 Tuneen Chisolm
17 Mark Gunderson
Ellyn Garofalo
Attorneys at Law
18 FOR DEFENDANT ETREPPID: J. Stephen Peek
19 Jerry Snyder
Attorneys at Law
20 FOR DEFENDANT ATIGEO: Robert Rohde
Greg Schwartz
21 FOR DEFENDANT SANDOVAL: Bridgett Robb Peck
22 Attorney at Law
23 FOR DEFENDANT SANDOVAL: Jacquelyn Beatty
24 Attorney at Law
25 FOR INTERESTED PARTY: Carlotta Wells
Raphael Gomez
U.S. Dept. Of Justice

KATHRYN M. FRENCH, RPR, CCR
(775) 786-5584

1 RENO, NEVADA, TUESDAY, JUNE 10, 2008, 9:00 A.M.

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4 THE COURT: Good morning. Please be seated.

THE CLERK: This is the date and time set for
 defendant's Motion For Order to Show Cause, number 634, in
 number 3:06-cv-056-PMP-VPC, Dennis Montgomery, and
 Montgomery Family Trust, and others, versus eTreppid
 Technologies, and others.

Present on behalf of plaintiffs, Dennis Montgomery
 Montgomery Family Trust, Mark Gunderson, Deborah Klar, and
 Garofalo.

Present on behalf defendants eTreppid
 Technologies and Warren Trepp are Stephen Peek and
 Snyder.

Present telephonically on behalf of
 co-defendant Atigeo, is Greg Schwartz.

Present telephonically on behalf of
 co-defendant Michael Sandoval is Jacquelyn Beatty.

And present on behalf of the U.S. Department of
 Justice are Carlotta Wells and Raphael Gomez.

THE COURT: Good morning, again, everyone.

I can't see with this display here. Whose is it?

MR. PEEK: It's mine, Your Honor. We can take

own.

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1 Let's actually go back to the requests for
2 production, because I want to make sure that I understand what
3 you have and don't have.

4 MR. PEEK: And I'm sorry, Your Honor. I'm
5 trying to find my copies of the document requests.

6 THE COURT: All right.

7 BY MR. PEEK:

8 Q And I know the Court has reviewed some of this with you,
9 but let me ask some background questions.

10 I have seen, at least from some of the documents
11 you have produced, that you became a member of an LLC called
12 Opspring.

13 A I've never become a member.

14 Q You've never became a member of Opspring?

15 A Just an employee.

16 Q Just an employee. So you hold no interest, no membership
17 interest whatsoever?

18 A None.

19 Q None. And you're paid \$100,000 a month?

20 A That's correct.

21 Q And is that still today, or is that just up to
22 December 31 of '07?

23 A I don't remember when it ended. I'm sorry. I didn't
24 remember when it ended.

25 Q Well, are you still employed today?

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1 A '07. I'm sorry.

2 Q Are you employed today?

3 A Yes.

4 Q By whom?

5 A Lexware.

6 Q I'm sorry?

7 A Lexware, L-e-x-w-a-r-e.

8 Q L-e-x-w-a-r-e?

9 A Correct.

10 Q What is that company?

11 A It's a software company.

12 Q And where is it located?

13 A Rancho Mirage.

14 Q And who's the owner of that company?

15 A I'm not.

16 Q That's not what I asked you, sir. Who's the owner?

17 A Edra Blixseth.

18 Q Thank you. And are you still being paid a hundred
19 thousand a month?

20 A Yes.

21 Q Okay. And what was your position with Opspring?

22 A A programmer.

23 Q That's all you were, just a programmer? Nothing else?
24 For \$100,000 a month?

25 MS. KLAR: Objection, Your Honor.